

REMARKS

None of the boxes were checked in part 12 of the Office Action Summary. That is, there was no acknowledgement of the claim for priority under section 119 and no notice that the certified copies of the priority documents have been received. On 30 October 2003, two certified copies of priority applications were submitted with this application. The applicants respectfully request acknowledgement of the claim for priority and a notification that the copies of the priority documents were received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on 30 October 2003.

Claims 1-7 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-7 were rejected under 35 USC 103(a) as being unpatentable over the Japanese patent publication JP-A-8-216735. The applicants respectfully request that this rejection be withdrawn for the following reasons.

A primary feature of the present invention is that the radio receiver is arranged on the circuit board opposite to a high-frequency source. Thus, the noise caused by the high-frequency source is less likely to interfere with the receiver, and the receiver is less likely to output defective signals.

The reason for the rejection of the claims was said to be that "... it is within the skill knowledge of a skilled artisan to improve a radio frequency system by reducing or eliminating noise to achieve the desired result." This is an improper reason for rejection. This is merely a statement of the level of skill in the art. The examiner has failed to point to any specific teaching or suggestion for making this modification. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

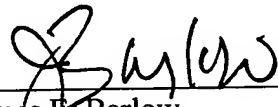
The requirement for a suggestion or motivation to modify a reference prevents an examiner from using hindsight to gauge obviousness. "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied* 469 US 851 (1984).

The Japanese patent publication JP-A-8-216735 is silent on the subject of noise prevention and placement of the radio receiver and fails to provide any suggestion to modify the reference. Therefore, the applicants believe that the examiner's decision has been influenced by hindsight, and withdrawal of this rejection is respectfully requested.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400